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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,637	03/09/2004	Arjun Ramamurthy	TWI-006	4745
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PROSKAUER ROSE LLP ONE INTERNATIONAL PLACE BOSTON, MA 02110				
EXAMINER				
OKEKE, EZUNNA				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,637

Applicant(s)

RAMAMURTHY, ARJUN

Examiner

IZUNNA OKEKE

Art Unit

2432

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 15-19, 21, 23-25, 27, 28 and 34-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 15-19, 21, 23-25, 27-28 and 34-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/26/2010 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 15, 24, 34, 39 and 41 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term “second instruction sequence” is not supported by the specification. The specification recites “updated instruction sequence” which broadly signifies an ‘update’ or ‘modification’ (for instance, in terms of functionality i.e. from a display instruction sequence to a storage instruction sequence) of a first instruction sequence. However, the amended claims recite “second instruction sequence” which suggests a new and different instruction sequence with no association to an earlier instruction sequence. Same rationale also applies to the use of “first software program” and “second software program” which are not supported by the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite language such as “information port capable of”, “capture unit capable of”. It is not clear from the language if the claims seek to recite the means-plus-function language of 112/6th paragraph. Appropriate correction is required

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15 and 24 are directed to non-statutory subject matter. From applicant's argument and the amended claims, it appears the claimed invention is directed to a software program/instruction sequence which is non-statutory. Although the claims recite a presentation device, applicant's specification in Para 26 and 31 states that the presentation device can be an emulator and using a broad reasonable interpretation, emulators can be software programs. Claims 16-19, 21, 23, 25 and 27-28 which depends on claims 15 and 24 are also rejected as software per se for being directed to non-statutory subject matter of claims 15 and 24.

Response to Arguments

7. Applicant's arguments with respect to claims 1-9, 15-19, 21, 23-25, 27-28 and 34-41 have been considered but are moot in view of the new ground(s) of rejection.

On Page 3 of applicant's argument and remark, applicant argues that Fukushima (applied reference) merely receives input manually entered by a user, converts the input into command signals and transmits the command signals to a controller. With reference to the new rejection in light of the amendment, the user input is not cited. Fukushima's user input is dependent on what a user wishes to do (view or record the decrypted information). Once the user has indicated what action to take, the controller storing the instruction sequence (display or record) sends the particular instruction sequence to either display the video signal or record the video signal. Applicant's interpretation of the user's input as the instruction sequence is not factual according to the disclosure by Fukushima. The user input is to indicate to the controller whether the video should be displayed or recorded. The controller then transmits the instruction sequence for performing the action. Applicant further argues that Fukushima does not teach modification of a pre-existing instruction sequence. According to the specification, this modification of a pre-existing instruction sequence is the modification of an instruction sequence which performs video display to an instruction sequence for storing or recording video. Fukushima does not explicitly recite modification of the display instruction sequence but inherently teaches that in the same embodiment for displaying video, storing the video can be accomplished by the controller supplying a 'modified' control signal for recording or storing video on a computer readable medium (Col 9, Line 3-23).

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-5, 7-9, 15-19, 21, 23-25, 27-28 and 34-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al. (US-6052506).

a. Referring to claims 1, 15, 24, 34 and 38-41:

Regarding claim 1 and similar claims 15, 24, 34 and 38-41, Fukushima teaches a method for capturing decrypted information directed to a presentation device, the method comprising: receiving, by the presentation device, decrypted information, wherein the device includes a first software program containing a first instruction sequence executable to generate a presentation signal based on the decrypted information (Col 6, Line 49-56... first control signal (graphics control signal) to produce video signal to be output to a display); receiving, by the presentation device, an ~~updated~~ second software program containing a second instruction sequence, wherein the ~~updated~~ second instruction sequence includes instructions executable to store at least one of the decrypted information or a presentable representation of the decrypted information in a computer readable storage medium (Col 7, Line 55-64.... Second control signal (storage control signal) to store the video signal in a computer storage medium); and processing, by the presentation device, the decrypted information, wherein processing comprises: installing, at the presentation device, the second software program operative to modifying at least a portion of the first instruction sequence based on the ~~updated~~ second instruction sequence (Col 9, Line 3-29... controller 21 issues control signals which is used in storing the generated video signal instead of displaying it), executing the modified first instruction sequence to generate a presentation signal based on the decrypted information, and storing at least one of the decrypted information or a presentable representation of the decrypted information in a computer readable storage medium

(Col 7, Line 55-64 and Col 9, Line 3-29.... second control signal (storage control signal) to store the video signal in a computer storage medium).

a. Referring to claims 2, 16 and 35:

Regarding claim 2 and similar claims 16 and 35, Fukushima teaches the method of claim 1, wherein receiving decrypted information comprises: providing a certification to a process; and receiving decrypted information from the process (Col 7, Line 4-14... access controller for decrypting the signal according to provided keys).

a. Referring to claim 3 and 17:

Regarding claim 3 and similar claim 17, Fukushima teaches the method of claim 1, wherein receiving decrypted information comprises interacting with an executing process in a manner that implies certification (Col 7, Line 4-14... interacting with the access controller to supply the decrypted signal).

a. Referring to claims 4 and 18:

Regarding claim 4 and similar claims 18, Fukushima teaches the method of claim 1 wherein receiving decrypted information comprises receiving a presentable representation (Col 7, Line 4-27... decrypted information comprising presentable video signal).

a. Referring to claims 5 and 19:

Regarding claim 5 and similar claim 19, Fukushima teaches the method of claim 1 wherein receiving decrypted information comprises receiving a compressed content stream (Col 4, Line 49-64... compression of content stream).

a. Referring to claims 7, 21, 25 and 27:

Regarding claim 7 and similar claims 21, 25 and 27, Fukushima teaches the processing further comprising: retrieving a presentable representation of the decrypted information from the computer readable storage medium; encoding the presentable representation in a compressed format; and storing the compressed format of the presentable representation in the computer readable storage medium (Col 7, Line 55-67 and Col 9, Line 23-51... reproducing video from the storage medium, processing the video and either displaying it or storing it back on the medium).

a. Referring to claims 8, 28 and 36:

Regarding claim 8 and similar claims 28 and 36, Fukushima teaches the method of claim 1, the processing further comprising: converting the decrypted information into a compressed content stream; and storing the compressed content stream in the computer readable storage medium (Col 4, Line 58-60... compression of video signal to reduce the amount of data required for both storage and transmission).

a. Referring to claims 9, 23 and 37:

Regarding claim 9 and similar claims 23 and 37, Fukushima teaches the method of claim 1, the processing further comprising: directing at least one of a display frame and an update frame associated with the decrypted information in the computer readable storage medium (Col 9, Line 3-22... commands for both displaying and storing the decrypted video signal).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IZUNNA OKEKE whose telephone number is (571)270-3854. The examiner can normally be reached on 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IZUNNA OKEKE/
Examiner, Art Unit 2432

/Jung Kim/
Primary Examiner, AU 2432